

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HAROLD B. SHAMBURGER,	)	No. C 15-0958 JSW (PR)
	)	
Petitioner,	)	<b>ORDER OF DISMISSAL</b>
	)	
v.	)	
	)	
C. E. DUCART,	)	
	)	
Respondent.	)	

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Petitioner, a California prisoner, filed this pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner claims that he overpaid his filing fee in a prior civil rights case in this court.

Petitioner's claims are not the proper subject of a habeas action because do not implicate the fact or duration of his confinement. *See Skinner v. Switzer*, 131 S. Ct. 1289, 1293 (2011); *Hill v. McDonough*, 547 U.S. 573, 579 (2006); *Moran v. Sondalle*, 218 F.3d 647, 650-52 (7th Cir. 2000); *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991); *Crawford v. Bell*, 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979). Accordingly, this case is DISMISSED without prejudice. Petitioner's motion to proceed in forma pauperis is GRANTED.


Rule 11(a) of the Rules Governing Section 2254 Cases requires a district court to rule on whether a Petitioner is entitled to a certificate of appealability in the same order in which the petition is decided. No reasonable jurist would find this Court's denial of

1 his claim on procedural grounds debatable or wrong. *See Slack v. McDaniel*, 529 U.S.  
2 473, 484 (2000). Consequently, no certificate of appealability is warranted in this case.

3 The Clerk shall close the file and enter judgment.

4 IT IS SO ORDERED.

5 DATED: March 30, 2015

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JEFFREY S. WHITE  
United States District Judge